IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

RP.No. 1018 of 2006(H)

AGAINST THE JUDGEMENT IN WPC.7008/2006 Dated 12/06/2006
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REVIEW PETITIONERS/RSEPONDENTS IN THE WP
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, TRANSPORT DEPARTMENT, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE STATE TRANSPORT AUTHORITY, THIRUVANANTHAPURAM REP. BY ITS SECRETARY.

3. THE SECRETARY, STATE TRANSPORT AUTHORITY, THIRUVANANTHAPURAM.

4. REGIONAL TRANSPORT AUTHORITY, ERNAKULAM.

BY GOVT. PLEADER SRI.I.V.PRAMOD

RESPONDENTS: PETITIONER IN THE WP
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1. TRAVEL OPERATORS ASSOCIATION OF KERALA REG.NO.ER.347/04, 28/1614, K.P.VALLON ROAD, KADAVANTHRA, KOCHI-20, REP. BY ITS SECRETARY.

2. P.S.SUKUMARAN, PROPRIETOR, ENSIGN TAXIS, M.G.ROAD, KOCHI-682 011.

BY ADV. SRI.K.JAJU BABU

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 27/02/2007, ALONG WITH R.P.69/07 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

R.P.NOs.1018/06 & 69/07 and
C.O.C.NOs.1406 & 1497 of 2006

Dated this the 27th day of February, 2007

O R D E R

Heard learned Government Pleader and the learned counsel for the contesting respondents.

2. The judgments sought to be reviewed do not call for any review as such. However, having regard to certain practical difficulties pointed out, it would be appropriate for the State Transport Authority to advert to Rule 138 of the Kerala Motor Vehicles Rules, which authorises delegation of power to the Secretary, STA. It is clarified that this court is not suggesting that there should be delegation. The matter is left to the wisdom of the STA.

3. Learned Government Pleader further urges that the time frame fixed for disposal of the notification for permit may also be enlarged. As of now, the time fixed is three weeks. It has to be

remembered that the validity of the permit itself is only for one year. The present trend in modern administrative techniques is to speed up administrative activity, so that expeditious relief is extended. This can be easily shown with reference to the fact that the time frame taken for issuing even passports are now reduced. However, the outer limit of three weeks would stand enlarged as four weeks which time limit shall be maintained strictly.

4. The STA should also notice that when applications for renewal etc. come up, it may not be necessary to detain such applications for a long time. All this apart, there is also a suggestion placed before this Court that the applicants for tourist permit could make their applications to the office of the Regional Transport Authority, though addressed to the STA and the concerned RTO can issue acknowledgment of receipt of such applications, so that such acknowledgment coupled with photocopy of the application form may provide sufficient material for the operators to ensure that they do not fall within

any trap of penalty proceedings. If proper guidelines are issued by the STA without, in any manner, impairing the directions contained in the judgment sought to be reviewed and also in this order, the application forms can be collected and the issued permits with the seal and signature of the Secretary, STA can be appropriately distributed, through different RT Offices. These are matters on which the STA can issue guidelines, following the terms contained in the judgments sought to be reviewed as well as this order. The applications pending will be taken up expeditiously and disposed of forthwith.

5. The review petitions are disposed of in the aforesaid terms.

In the nature of the order passed above, the contempt cases are closed.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.